



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4902-99
17 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 14 December 1993 at age 19. The record shows that during the period from 6 January 1995 to 14 June 1995 you were counseled on five occasions concerning failure to go to your appointed place of duty and not being recommended for promotion. Subsequently, you received nonjudicial punishment for an unauthorized absence of about four days.

A special court-martial convened on 7 December 1995 and convicted you of an unauthorized absence of about three days, six instances of failure to go to your appointed place of duty, disorderly conduct, unlawful possession of ammunition and two instances of assault. The sentence of the court did not include a punitive discharge.

Based on the foregoing record of misconduct, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 22 March 1996 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct

with a discharge under other than honorable conditions. You were so discharged on 29 March 1996. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to misconduct. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

You may request recharacterization of your discharge and a change in the reason for discharge by completing the enclosed application, DD Form 293, and submitting it to the Naval Discharge Review Board.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure